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Before the

Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Telecommunications Relay Services
and Speech to Speech Services for
Individuals with Hearing and Speech
Disabilities

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CC Docket No. 98-67

**REPLY COMMENTS OF WORLDCOM, INC.
FURTHER NOTICE OF PROPOSED RULEMAKING**

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I. Summary

In these reply comments, WorldCom, Inc. ("WorldCom") responds to various issues raised in the above-captioned proceeding.¹ WorldCom recommends the Commission integrate speech-to-speech (STS) access into its plans for implementing nationwide 711 access with presubscription possibilities, rather than adopt a separate 800 number for STS access. Database billing and administration should be handled by a neutral, third-party, administrator. The Commission need not modify its rules to permit relay centers to gain access to signaling system 7 (SS7). Relay centers are common carrier providers of operator service, and are already authorized to purchase SS7. Relay centers are only constrained by the cost of making this investment. WorldCom believes the benefits of SS7 capability justify those additional costs. Benefits are not limited to a reduced need for consumer profiles or the provision of Caller ID. With customer purchase of Distinctive Ring, relay centers with SS7 capability will be able to provide most vertical services, including Call Forwarding, Repeat Dialing, and Return Call. Finally, WorldCom recommends the Commission fund its national TRS outreach effort from its own operating budget. This is the only funding method that will permit a substantial, nationally coordinated outreach effort.

¹In the Matter of Telecommunications Relay Services and Speech to Speech Services for Individuals with Hearing and Speech Disabilities, Further Notice of Proposed Rulemaking, CC Docket No. 98-67, Released March 6, 2000.

II. A Nationwide Access Number for STS is Generally Supported

Commenters support the notion of a single nationwide number that would be routed to the appropriate speech-to-speech (STS) capable relay center, except AT&T, who recommends having each relay center provide its own 800 number,² and SBC who recommends CPE solutions.³

A. 711 Administration Should be Handled by a Third Party Administrator

However, comments diverge about specific features of a nationwide STS access number. USTA proposes making a single carrier responsible for billing and database administration associated with this access number.⁴ The Commission is currently considering the benefits of presubscribing to both directory assistance and telecommunications relay service (TRS) providers via 411 and 711 respectively.⁵ As WorldCom, Inc. ("WorldCom") argued in the presubscription proceeding, a neutral, third party, administrator, will ensure that billing, assignment of codes, and other matters will be handled in a competitively neutral fashion.⁶ The Commission should reject USTA's suggestion that these functions be handled by a single carrier.

²AT&T Comments at 2.

³SBC Comments at 3.

⁴USTA Comments at 3.

⁵Common Carrier Bureau Seeks Further Comment on Telegate's Proposal for Presubscription to "411" Directory Assistance Services, CC Docket No. 99-273, CC Docket No. 98-67, Released April 27, 2000.

⁶WorldCom Comments at 10, Common Carrier Bureau Seeks Further Comment on Telegate's Proposal for Presubscription to "411" Directory Assistance Services, CC Docket No. 99-273, CC Docket No. 98-67, filed May 31, 2000

B. 711 Access to STS Will Strengthen the Commission's TRS Outreach Efforts

Another area where comments diverge involves the trade-off between reaching STS via dialing 711 or by dialing a distinct STS number, either in the form of an 800 number⁷ or in the form of N11 digits other than 711.⁸ WorldCom agrees with Bell Atlantic and others that the Commission should refrain from assigning additional abbreviated dialing digits for nationwide STS access. It is true that a unique number for STS will provide quicker access to STS service. Similarly a unique voice number and a unique text number would provide faster access for these TRS services. There are not enough N11 dialing digits available to supply equal access to directory assistance and every TRS service. Separate 800 numbers for each TRS service would also speed access, but would weaken benefits that come from easy-to-remember 711 access to all TRS services. Proliferation of separate 800 numbers would also increase the costs and reduce the benefits of national TRS outreach efforts.

⁷See e.g., Bell Atlantic Comments at 2; Sprint at 2.

⁸TDI Comments at 16.

III. SS7 is Necessary to Make Vertical Services Available Through Relay

A. Parties Opposing SS7 Underestimate its Benefits

In its Further Notice, the Commission cited availability of Caller ID and the reduced need for customer profiles as benefits of making SS7 available to TRS centers.⁹ Parties opposing making SS7 available to relay centers argue that it would be costly,¹⁰ that Caller ID functionality can be provided by other methods,¹¹ that SS7 will not significantly reduce the need for customer profiles, and that the Commission lacks the authority to make SS7 available to relay centers.¹² WorldCom agrees that relay centers will incur significant costs if they are required to be SS7-capable. As with any mandated service upgrade, the Commission should adopt a timetable that permits relay centers to receive reimbursement for intrastate and interstate cost allocations. WorldCom also agrees that relay centers will continue to collect customer profile information in order to provide quality and efficient service. Parties opposing SS7 underestimate the benefits however. WorldCom's Comments showed that if relay centers have full SS7 capability, they would be able to provide functionally equivalent vertical services such as Call Forwarding, Return Call, and Repeat Dialing.

⁹Telecommunications Relay Services and Speech-to Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-67, Released March 6, 2000, at ¶ 128.

¹⁰Comments of USTA at 6, AT&T at 5, Bell Atlantic at 3, Sprint at 4.

¹¹Comments of Bell Atlantic at 2; Sprint at 5; GTE at 9.

¹²Comments of Sprint at 3; CTIA at 4.

B. Relay Centers are Common Carrier Providers of Operator Services

CTIA argues that relay centers are non-network entities, citing Congress' distinction between common carrier and telecommunications relay service.¹³ It is true that Congress provided separate definitions for common carriers and telecommunications relay service. However, it does not follow that the term "common carrier" does not encompass relay service. "Common carrier" refers to any entity that provides generally available interstate communication services for a fee. Common carrier is defined within Section 225 only because Congress made carriers ultimately responsible for ensuring the provision of TRS, not because there is a contradiction between a common carrier and a TRS provider.¹⁴

In fact relay providers are providers of common carrier operator services. An operator service is defined as "...[a]ny interstate telecommunications service initiated from an aggregator location that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both..."¹⁵ TRS service is provided by an aggregator that uses operator assistance, at an aggregator platform, to bill and complete calls for persons with speech and hearing disabilities. In addition, the Commission subjects TRS centers to common carrier requirements by prohibiting them from refusing any call or limiting a length of call, or by failing to operate 24 hours a day.¹⁶ In short, TRS centers are clearly common carriers and therefore authorized to purchase and install SS7. The Commission need not amend § 64.1600 of its rules in order to permit relay centers to purchase and install SS7.

¹³CTIA at 4.

¹⁴§ 225(c).

¹⁵§ 226(a)(7).

¹⁶§ 225(d)(1)(C) and § 225(d)(1)(D).

IV. A National TRS Outreach Effort Performed with the Commission's Own Operating Funds Is the Best Method of Providing Truly National TRS Outreach

There is broad consensus for some form of national TRS outreach in addition to locally-funded, and state-funded efforts, except for SBC, who supports a national outreach effort in addition to locally and state funded efforts so long as there are no increases in fees paid or charged by carriers or consumers.¹⁷ WorldCom shares SBC's concern about the need to balance additional outreach funding against fee increases that will necessarily be passed along to consumers, but believes it is disingenuous to support additional outreach only if there are no fee increases. Differences of opinion emerge mostly in relation to the mechanism the Commission should use to fund national TRS outreach.

A. Reimbursement for Outreach from the TRS Fund Would Not Permit a Truly National Effort

One-half of the fourteen parties that submitted comments, supported funding national TRS outreach through the Interstate TRS Fund ("Fund").¹⁸ In its Comments, WorldCom argued that the Commission does not have the authority to establish an expenditure level carriers must undertake for national TRS outreach. Instead, WorldCom argued that a national TRS outreach effort would best be achieved out of the Commission's own operating funds, which in turn are supplied by carriers through their regulatory fees.¹⁹

Parties supporting funding outreach through the Fund, do not propose that the Commission set an explicit outreach level for carriers to undertake individually or collectively,

¹⁷SBC Comments at 9.

¹⁸Comments of TDI at 5; CPUC at 4; NAD at 25; GTE at 9; AT&T at 7; NVRC at 2; and Sprint at 7.

¹⁹WorldCom Comments at 14.

except possibly for NAD.²⁰ Rather, these parties seem to support the notion that relay centers will engage in “national” outreach efforts and then be reimbursed for these efforts from the Fund. These parties do not explicitly state that relay centers will be performing outreach, but it is implied in their discussion, since they conceive that those performing outreach will be reimbursed out of the Fund. The Fund, like all the programs administered by NECA, reimburses entities that provide telecommunications services below their cost of service. Reimbursement is due to the entity providing the discounted service. Because TRS service in every state is currently provided by relay centers subject to state contracts, rather than by carriers, those centers are the only entities entitled to be reimbursed out of the Fund. They would therefore be the only entities performing outreach for those that advocate reimbursement from the Fund.

However, since all aspects of a relay center’s service are provided pursuant to a state contract, each center’s outreach efforts would probably be limited to state media outlets. Advertising in national media outlets would not bring direct benefits to TRS users in each state, and so would be perceived as an inefficient use of state telecommunications revenues. State relay administrators are not in a position to design, fund, and implement a national outreach effort. In order for outreach to occur in these national media outlets, and still be funded out of the Interstate TRS Fund, the Commission, or the TRS Advisory Council, would have to decide which relay centers would be responsible for placing which advertisements in which media outlets, at what time, and then require relay centers to follow these specific, Commission-determined

²⁰“The Interstate TRS Advisory Council’s mission should be amended to include:...[a]uthority to administer the cost of such efforts; and ...[o]utreach costs should be reimbursable upon submission to the fund administrator of receipts for goods and services that meet the approval of established guidelines and criteria.” NAD Comments at 25.

actions. Such actions would go far beyond the Commission's authority under Section 225, which limits it to setting technical and functional service standards for TRS.²¹

B. Reimbursement for National Outreach from the TRS Fund Would Require a Jurisdictional Separation of Outreach Costs

Parties supporting the use of the Fund to promote national outreach are under the misconception that because outreach is performed in national media outlets, the outreach effort is solely interstate, thereby making the cost of this outreach effort reimbursable solely from the Interstate Fund.²² The notions of state and interstate refer to the nature of the TRS service, not the scope of outreach. The TRS outreach that would occur in a strictly national media outlet, for example a national magazine, would not be advertising only interstate TRS. It would be advertising both interstate TRS and intrastate TRS services.

Outreach is a cost common to both interstate and intrastate services. Both services would benefit from this outreach effort. Consequently, both services would be responsible for the costs associated with this and all other outreach efforts. If the Commission chooses to reimburse relay centers for outreach costs out of the Interstate Fund, it is bound to follow its existing jurisdictional separations rules to determine the share of total outreach costs reimbursable from the Interstate Fund.²³

The Commission may not change established separation rules for TRS without convening a Separations Joint Board as required by §225(d)(3)(A), notwithstanding its decision to fund the

²¹§ 225(d)(1)(A).

²²See e.g., GTE Comments at 10.

²³47 U.S.C. §225(d)(3).

intrastate costs of Video Relay Interpreting out of the Interstate TRS Fund.²⁴ In that Order the Commission interpreted the requirement in Section 225(d)(3)(B) to “generally” recover intrastate TRS costs from intrastate subscribers, as granting it discretion to abstain from doing so at times. Complete reading of 225(d)(3)(B) however, reveals that Congress permitted recovery of intrastate TRS costs from the interstate jurisdiction only where there was no state-certified program. This is the view the Commission has historically held:

“Section 225(d)(3)(A) requires the Commission to prescribe regulations governing the jurisdictional separation of costs for the services provided pursuant to Title IV of the ADA, consistent with the provisions of Section 410 of the Act. The legislative history establishes that ‘No change to the procedures for allocating joint costs between the interstate and intrastate jurisdictions as set forth elsewhere in the Communications Act of 1934 is intended.’ The Commission, under Section 410(c) of the Act, must refer ‘any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations, which it institutes pursuant to a notice of proposed rulemaking’ to a Federal-State Joint Board. Section 410 also authorizes the Commission to ‘refer any other matter, relating to common carrier communications of joint Federal-State concern’ to a Joint Board. *A Joint Board may not be necessary if state relay systems operate independently of an interstate relay system, i.e., under circumstances in which there are no jointly used resources.*”²⁵ (emphasis added)

C. A national TRS outreach effort funded from the Commission’s operating budget is in the public interest

There are serious limitations to using the Interstate TRS Fund to promote nationwide awareness of TRS. Because the Commission does not have the authority to mandate specific outreach activities, and to direct specific relay centers to undertake these actions, at specific

²⁴Telecommunications Relay Services and Speech-to Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-67, Released March 6, 2000, at ¶ 26.

²⁵Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals, and the Americans with Disabilities Act of 1990, Notice of Proposed Rulemaking, CC Docket No. 90-571, 5 FCC Rcd 7187; 1990, Released November 16, 1990, ¶19.

times, in specific outlets, with specific messages, it is unlikely a truly coordinated national outreach campaign would materialize under this funding option. The Commission could set generic outreach service standards, and then rely on the states to implement these standards according to state-specific needs. However, states may choose to undertake a lower level of outreach activity than desired by the Commission, since they will be responsible for the majority of outreach costs under existing jurisdictional allocators. For these reasons, WorldCom recommends the Commission adopt its proposal to fund a national outreach effort from its own operating budget. This would leave the Commission, in consultation with affected stakeholders, in control of the budget, timing, and content of educational messages, as well as the mix of media outlets in which messages would be placed. It would also increase the chances significant funds would be obtained to accomplish a truly national outreach effort.

V. Conclusion

For the reasons discussed above, WorldCom urges the Commission to adopt its recommendations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence Fenster", written over a horizontal line.

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July 5, 2000

Statement of Verification

I have read the foregoing and, to the best of my knowledge, information and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.

Executed on July 5, 2000

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